

1 WILLIAM H. ORRICK, III (State Bar #113252)
2 SABRINA L. FÈVE (State Bar #226590)
3 COBLENTZ, PATCH, DUFFY & BASS LLP
4 One Ferry Building, Suite 200
5 San Francisco, California 94111-4213
6 Telephone: (415) 391-4800
7 Facsimile: (415) 989-1663
8 ef-who@cpdb.com, ef-slf@cpdb.com

9 Attorneys for Plaintiff
10 TIMPHONY L. WALKER

11 ANN MILLER RAVEL (State Bar # 62139)
12 ARYN PAIGE HARRIS (State Bar # 208590)
13 OFFICE OF THE COUNTY COUNSEL
14 70 West Hedding, East Wing, 9th Floor
15 San Jose, California 95110-1770
16 Telephone: (408) 299-5900
17 Facsimile: (408) 989-7240

18 Attorneys for Defendants
19 ELMER WHEELER and SANNA LIGOURI

20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA

22 TIMPHONY L. WALKER,

23 Plaintiff,

24 vs.

25 SANTA CLARA COUNTY DEPARTMENT OF
26 CORRECTION OFFICERS WHEELER,
27 LIGOURI, CORRECTIONAL SERGEANT
28 CORSO, CORRECTIONAL LIEUTENANT FRED
HINK, RICHARD WITTENBERG-COUNTY
EXECUTIVE, JIM BABCOCK-CHIEF OF
CORRECTIONS, SANTA CLARA COUNTY
DEPARTMENT OF CORRECTION, SANTA
CLARA BOARD OF SUPERVISORS, AND
DOES, I-V.,

Defendants.

CASE NO.: C-04-00022 VRW (PR)

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER TO CONTINUE
THE PARTIES' DEADLINE FOR
DEPOSING THE NAMED PARTIES**

Complaint Filed: January 6, 2004

COBLENTZ, PATCH, DUFFY & BASS LLP
ONE FERRY BUILDING, SUITE 200, SAN FRANCISCO, CA 94111-4213
(415) 391-4800 • FAX (415) 989-1663

1 On August 15, 2006, this Court issued an Order establishing a December 29, 2006 cutoff
2 for deposing plaintiff Timphony Walker and defendants Elmer Wheeler and Sanna Ligouri.
3 Plaintiff, by and through his attorney of record, and defendants, by and through their attorney of
4 record, have diligently and in good faith worked through discovery issues and tried to meet the
5 Court's deadline for deposing the named parties. However, for the following reasons, they
6 stipulate to extending this deadline to February 23, 2007 and respectfully submit that good cause
7 exists for granting the proposed extension:

8 1. Plaintiff has a significant medical history, which includes voluminous medical and
9 mental health records from various facilities. On August 23, 2006, Defendant sent a subpoena to
10 Patton State Hospital for medical records where Plaintiff is currently located. Because the
11 medical records contain highly sensitive medical information, Plaintiff's counsel sought to review
12 the records first and they were later disclosed to Defendants on October 26, 2006;

13 2. Defendants now have approximately 4,000 pages of medical records that must be
14 reviewed before Defendant can take Plaintiff's deposition. Because of the nature of Plaintiff's
15 medical history the medical records have to be summarized by in-house staff. Defendants are unable
16 to do so before the current deadline and also arrange for the logistical issues raised by location of
17 Plaintiff's deposition;

18 3. Plaintiff is currently housed at Patton State Hospital in Patton, California. The
19 parties must coordinate with hospital staff and arrange for a court reporter to travel to the facility.
20 Because of Plaintiff's medical state, Plaintiff's counsel has represented that it would be best to
21 complete Plaintiff's deposition in one-half day sessions over a period of two days. Accordingly,
22 Defendant would also like to depose Plaintiff's medical providers at the facility in order to
23 conserve resources;

24 4. The Santa Clara County correctional facility where Defendants allegedly assaulted
25 Plaintiff is a maximum-security facility. Counsel for Plaintiff and Defendants, after meeting and
26 conferring on Plaintiff's counsel's desire to visit the facility, have sought to schedule a timely
27 visit, however, the Sheriff's staffing and safety concerns are likely to make it impossible for
28 Plaintiff's counsel to visit the facility before January 2007;

5. There are at least three third-party witnesses employed by the Sheriff whom Plaintiff's counsel has sought to depose prior to conducting Defendants' deposition. The schedules of these witnesses and of counsel will not, however, permit more than two of them to be deposed prior to December 29, 2006 and will not leave any time to depose Defendants before the existing deadline passes; and

6. Plaintiff will be prejudiced if his counsel cannot conduct an on-site inspection and the depositions of a third-party witness and two of Defendants' supervisors prior to deposing Defendants.

7. Extending the parties' deadline for deposing Plaintiff and Defendants to February 23, 2007 will not impact the parties' ability to be ready for their current trial date of October 10, 2007.


For the foregoing reasons, the parties stipulate to extending the current discovery deadline of December 29, 2006 to February 23, 2007 and submit that good cause exists for granting this extension.

IT IS SO STIPULATED:

Dated: December 11, 2006

COBLENTZ, PATCH, DUFFY & BASS LLP


By:


SABRINA L. FEVE
Attorneys for Plaintiff
TIMPHONY L. WALKER

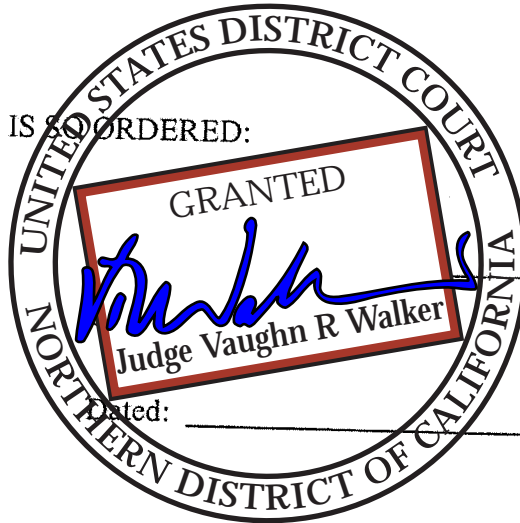
Dated: December 11, 2006

ANN MILLER RAVEL
County Counsel

By:


ARYN P. HARRIS
Lead Deputy County Counsel
Attorneys for Defendants
Officers Wheeler and Liguori

1 PURSUANT TO STIPULATION, IT IS SO ORDERED:
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



Dated: December 18, 2006

COBLENTZ, PATCH, DUFFY & BASS LLP
ONE FERRY BUILDING, SUITE 200, SAN FRANCISCO, CA 94111-4213
(415) 391-4800 • FAX (415) 989-1663

12531.001.522319v